

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte ROD D. LAWING
and JOAN E. MCKINLEY

Appeal No. 2006-0998
Application No. 10/076,729¹

ON BRIEF



Before KRASS, BLANKENSHIP, and SAADAT, Administrative Patent Judges.

SAADAT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-4, which are all of the claims pending in this application.

We reverse.

¹ Application for patent filed February 15, 2002, which according to Appellants, is a continuation-in-part of Application No. 09/177,086, filed October 22, 1998, now abandoned.

BACKGROUND

Appellants' invention is directed to a method and system for centrally managing network clients interfaced with a network host. According to Appellants, initiation of a login script at a network client calls a login routine which, based on the determined operating system of the client, performs configuration management (specification, page 5).

Representative independent claim 1 is reproduced below:

1. A method for centrally managing plural network clients interfaced with a network host, the method comprising the steps of:

initiating a login script at a network client, the login script calling a login routine associated with the network host that operationally manages the configuration of the network client;

installing a start-up routine with the login routine, the start-up routine associated with the network client;

using the start-up routine to determine an operating system of the network client; and

managing configuration of the operating system of the network client with the start-up routine according to the operating system of the network client.

The Examiner relies on the following reference in rejecting the claims:

Davis et al. (Davis)

5,742,829

Apr. 21, 1998

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Claims 1-18, 20-29, 31-35 and 39-43 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Davis.

Claims 19, 30 and 36-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis.

Rather than reiterate the opposing arguments, reference is made to the briefs and answer for the respective positions of Appellants and the Examiner. Only those arguments actually made by Appellants have been considered in this decision. Arguments which Appellants could have made but chose not to make in the briefs have not been considered (37 CFR § 41.37(c)(1)(vii)).

OPINION

The main point of contention is based on whether the claimed managing configuration of the operating system of the network client reads on the automatic software installation of Davis. The Examiner refers to various portions of Davis which relate to installing software upon performing user validation after the user attempts to logon to the server (answer, page 5). To support this position, the Examiner relies on Figure 5A and other portions of Davis disclosure in columns 2, 5, 6, and 11 (id.).

Appellants argue that although Davis discloses configuration of a network client, it is not in the context of

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managing the configuration (brief, page 5). Appellants further assert that Davis merely installs appropriate editions of software for execution with the particular operating system types (brief, page 6).

In response to Appellants' arguments, the Examiner relies on teachings in columns 3 and 4 of Davis and argues that by initiation of a login script at the network client and calling the login routine associated with the host, the host manages configuration of the operating system of the network client (answer, page 17). The Examiner further argues that user validation is used during logon process which includes centralized management of client computers and installing appropriate software (answer, pages 17-18).

A rejection for anticipation under section 102 requires that the four corners of a single prior art document describe every element of the claimed invention, either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation. See Atlas Powder Co. v. Ireco Inc., 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1947 (Fed. Cir. 1999); In re Paulsen, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

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After a review of Davis, we agree with Appellants' assertion that the claimed managing configuration of the operating system of the network clients is different from installing a software update. Davis in col. 2, lines 15-21 states:

The system described herein provides for automatically installing software on heterogeneous client computer systems. In a distributed system having heterogeneous computer systems of different natural languages, different operating system types, or different processor types, the system described herein automatically installs the appropriate edition of software onto client computers.

Therefore, although the specific type of the operating system on the network client is taken into consideration during the software installation, the installed software is matched to the operating system without any attempt to manage configuration of the operating system (col. 2, lines 58-64).

The Examiner has in fact pointed to no teachings in Davis to indicate that any changes to the configuration of the operating system of the network client is made. We also agree with Appellants (reply brief, page 3) that such centralized management for installing software on network clients may consider the clients' different operating systems for installing software updates, but does not manage configuration of the operating system of the network clients.

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We note that other independent claims 9, 17, 22, and 29 also require that the centralized management include managing configuration of an operating system. As discussed above, The Examiner has neither pointed to any relevant teachings in Davis nor provided sufficient evidence that the prior art of record inherently includes managing configuration of the operating system of the network client. Accordingly, the 35 U.S.C. § 102 rejection of claims 1-18, 20-29, 31-35 and 39-43 cannot be sustained.

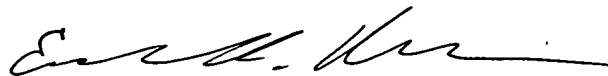
Regarding the 35 U.S.C. § 103 rejection of claims 19, 30, and 36-38, we note the Examiner's failure to point to any teachings or suggestions for modifying Davis to overcome the deficiencies discussed above with respect to the independent claims. Based on our determination that Davis does not teach the invention of the base claims 1, 9, 17, 22, and 29, the 35 U.S.C. § 103 rejection of the dependent claims 19, 30, and 36-38 over Davis cannot be sustained.

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CONCLUSION

In view of the foregoing, the decision of the Examiner
rejecting claims 1-18, 20-29, 31-35 and 39-43 under 35
U.S.C. § 102 and rejecting claims 19, 30, and 36-38 under 35
U.S.C. § 103 is reversed.

REVERSED



ERROL A. KRASS)
Administrative Patent Judge)



HOWARD B. BLANKENSHIP)
Administrative Patent Judge)



MAHSHID D. SAADAT)
Administrative Patent Judge)

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